

PLANNING COMMISSION MINUTES

January 10, 2001

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Chuck Heckman, Eric Johansen and Dan Maks. Planning Commissioner Brian Lynott was excused.

Principal Planner Hal Bergsma, Associate Planner Tyler Ryerson, Associate Planner Jeff Salvon, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

Chairman Voytilla acknowledged and expressed his appreciation to former Chairman Dan Maks for his leadership throughout the past four years. He introduced newly appointed Commissioner Gary Bliss, who described his background in civil engineering and community service, observing that he is in the process of preparing for his retirement and wished to take advantage of this opportunity to serve in this capacity.

Alternate Commissioner Russell Davis was also in attendance as a member of the audience.

Commissioner Maks expressed his appreciation to Commissioner Bliss for agreeing to serve on the Planning Commission.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATIONS:

On question, staff indicated that there were no staff communications at this time.

1
2 **OLD BUSINESS:**

3
4 Chairman Voytilla opened the Public Hearing and read the format for Public
5 Hearings. There were no disqualifications of the Planning Commission members.
6 No one in the audience challenged the right of any Commissioner to hear any of
7 the agenda items, to participate in the hearing or requested that the hearing be
8 postponed to a later date. He asked if there were any ex parte contact, conflict of
9 interest or disqualifications in any of the hearings on the agenda. There was no
10 response.

11
12 **CONTINUANCES:**

13
14 A. **CUP 2000-0025 -- TREASURE ISLAND CHINESE RESTAURANT**
15 **CONDITIONAL USE PERMIT**

16 *(Continued from December 6, 2000)*

17 The following land use application has been submitted for a new restaurant at
18 15930 SW Regatta Lane. The development proposal is located on Assessor's
19 Map 1S1-05BA, on Tax Lot 1600. The site is zoned Office Commercial (OC)
20 and is approximately .70 acres.

21
22 Associate Planner Tyler Ryerson observed that a film of the site is not available.

23
24 Commissioner Maks indicated that although he did not visit recently, he is
25 familiar with the site.

26
27 Commissioner Bliss observed that he is familiar with and visited this site.

28
29 Commissioner Barnard commented that although he is familiar with the site, he
30 did not visit it.

31
32 Commissioner Voytilla stated that he had visited and is familiar with the site.

33
34 Commissioner Johansen noted that he had visited and is familiar with the site.

35
36 Commissioner Heckman reported that he had visited the site and made
37 observations at that time.

38
39 Mr. Ryerson presented the Staff Report for this request to locate a restaurant in
40 this O/C zoning district, for an approximately 5,590 square foot, dine-in restaurant
41 with associated parking and landscaping. Observing that the City's Traffic
42 Commission had approved parking only on one side of Regatta Lane, specifically
43 east of SW Outrigger Terrace, he noted that these changes have been
44 implemented. Concluding, he recommended approval, under certain conditions,
45 and offered to respond to any questions or comments.
46

1 Commissioner Heckman referred to the proposed monitoring of traffic in the area,
2 specifically requesting clarification of the difference between “polling” and
3 “monitoring”.
4

5 Mr. Ryerson explained that with the *Jack in the Box Restaurant* application, the
6 Planning Commission had recommended a study of Regatta Lane and associated
7 traffic patterns. A subsequent monitoring was conducted, as well as a poll of the
8 businesses in that area, observing that all had responded, with the exception of
9 *McDonald's Restaurant*, resulting in the decision that "No Parking" signs would
10 be posted on the south side of Regatta Lane.
11

12 Commissioner Heckman referred to page 9 of the Staff Report, requesting
13 clarification of the poll of property owners on Regatta Lane regarding parking
14 restrictions.
15

16 Mr. Ryerson advised Commissioner Heckman that as a result of the poll and
17 recommendations, the City has applied the parking restrictions.
18

19 Commissioner Heckman commented that his interpretation of monitoring actually
20 involves an individual sitting at the site visually monitoring the situation.
21

22 Mr. Ryerson advised Commissioner Heckman that although he is unfamiliar with
23 all of the details, both *Lancaster Engineering*, on behalf of *International House of*
24 *Pancakes*, and *Kittelson and Associates*, on behalf of *Jack in the Box Restaurant*,
25 have performed their own monitoring of the area.
26

27 Commissioner Heckman questioned whether any representative of *Lancaster*
28 *Engineering* is available for comment at this time.
29

30 Mr. Ryerson advised Commissioner Heckman that no representative of Lancaster
31 Engineering is available at this time.
32

33 Commissioner Heckman requested clarification of the hours for the a.m. and p.m.
34 peak periods.
35

36 Mr. Ryerson commented that the peak hours could depend upon the actual peak
37 time that the facility might have the greatest traffic.
38

39 Commissioner Heckman pointed out that the letter from *Lancaster Engineering*
40 had indicated no specified hours for these peak periods, questioning whether Mr.
41 Ryerson has information that has not been made available to the Commissioners.
42

43 Mr. Ryerson advised Commissioner Heckman that the peak is not necessarily for
44 this specific location, adding that it involves a description of a specific type of
45 use.
46

1 Commissioner Heckman expressed his opinion that this particular street, location
2 and clientele businesses are rather unique, expressing concern with such
3 intensified uses.

4

5 Mr. Ryerson advised Commissioner Heckman that he is not familiar enough with
6 this situation to respond to this concern.

7

8 Commissioner Heckman emphasized that the applicant has not provided a
9 representative from their traffic consultant to address these issues.

10

11 Commissioner Heckman observed that although the Staff Report indicates that
12 *McDonald's Restaurant* is approximately 3,000 square feet, the minutes of July
13 12, 2000 state that this restaurant is actually 4,380 square feet, and questioned
14 whether this incorrect information would have any effect.

15

16 Mr. Ryerson noted that this difference would skew numbers slightly, but not
17 significantly.

18

19 Commissioner Heckman referred to page 2 of the letter to Lynn Bailey from
20 Washington County, dated June 3, 1994, specifically how staff disagrees with the
21 analysis.

22

23 Mr. Ryerson advised Commissioner Heckman that it is difficult to respond to this
24 question without discussing the letter with Doug Norville, who wrote the letter,
25 observing that the letter does not appear to provide any great detail.

26

27 Commissioner Maks commented that on page 13 of the Staff Report, specifically
28 Policy No. 3.5.8.1.F, the applicant has expressed that submitted traffic studies
29 shows that very little additional traffic will be generated from outside the
30 immediate area, but the project will handle and mitigate existing traffic that
31 already exists. He referred to page 5 of the applicant statement, under
32 Development, which states that this proposed project is and can be defined as a
33 destination center, in and of itself. He requested clarification of what is intended
34 by the term immediate area.

35

36 Mr. Ryerson described the immediate area as that area around 158th Avenue and
37 Walker Road.

38

39 Expressing his agreement with Mr. Ryerson, Commissioner Maks observed that
40 his concern is how the applicant defines the immediate area.

41

42 Mr. Ryerson advised Commissioner Maks that he is not able to define what the
43 applicant defines as the immediate area.

44

45 Commissioner Maks questioned the location of the closest sit down Chinese
46 restaurant to this area.

1 Mr. Ryerson informed Commissioner Maks that the nearest sit down Chinese
2 restaurant is on the north side of *Fred Meyer* on Schendel Street, west of the 76
3 *Service Station*.

4
5 Commissioner Johansen referred to page 8 of the Staff Report, specifically the
6 comment that the parking overflow and the related congestion may be somewhat
7 relieved. He questioned whether Mr. Ryerson agrees with that particular
8 statement, specifically where the congestion would be, even if it diverts trips from
9 *McDonald's Restaurant* or *Jack in the Box Restaurant*, expressing his opinion that
10 there would still be a greater number of overall vehicular trips.

11
12 Observing that he does not disagree with that statement, Mr. Ryerson pointed out
13 that the applicant is hopeful that some of the individuals who would normally
14 frequent these fast food restaurants would be diverted to their restaurant.
15 Referring to the congestion on Regatta Avenue which sometimes backs up into
16 the right-of-way, he noted that while no traffic hazard is created, there is
17 noticeable congestion in the area.

18
19 Commissioner Johansen questioned the feasibility of an individual arriving to the
20 area and changing their purpose from fast food to a sit down restaurant.

21
22 Mr. Ryerson advised Commissioner Johansen that while he is unable to respond
23 on a professional level to this question, as a parent he could relate to changing a
24 destination from fast food to a sit down meal offering healthier food.

25
26 Commissioner Johansen commented that this rationalization is not as likely with a
27 lunchtime office crowd.

28
29 Mr. Ryerson noted that this restaurant would also be offering a different type of
30 service than a fast food restaurant, adding that a customer could conduct a brief
31 meeting while having lunch, which might not occur at a fast food restaurant.

32
33 Commissioner Johansen questioned whether Mr. Ryerson had addressed the
34 availability of either undeveloped or readily redevelopable office commercially
35 zoned property. He pointed out that he would like to be able to justify utilizing
36 this potential office use property.

37
38 Mr. Ryerson advised Commissioner Johansen that this issue had been discussed
39 throughout the last three applications for this immediate area.

40
41 Commissioner Johansen questioned the difference in economic impact to the City
42 of Beaverton in changing this from office use to a fast food restaurant.

43
44 Associate Planner Jeff Salvon observed that while he has no experience with this
45 particular situation, he assumes that both uses would be obligated to pay the same
46 property tax.

1
2 Commissioner Johansen suggested that a two-story office use might generate a
3 greater amount of property tax than a one-story fast food restaurant.
4

5 7:28 p.m. – Principal Planner Hal Bergsma arrived
6

7 Commissioner Barnard referred to Exhibit 2 of the Facilities Review Conditions
8 of Approval, mentioning two separate statements indicating that additional
9 dedication is required for SW Regatta Lane and that the previous approval of the
10 Waterhouse Commons Subdivision provided the necessary right-of-way, although
11 standards for local streets have recently changed and therefore dedication may be
12 required. He expressed his opinion that these two statements appear
13 contradictory.
14

15 Mr. Ryerson advised Commissioner Barnard that the statement should read “may
16 be necessary”.
17

18 Commissioner Barnard questioned whether it is feasible to change from "is
19 necessary" to "may be necessary".
20

21 Mr. Ryerson informed Commissioner Barnard that the actual technical design
22 standard had been prepared for the applicant prior to the applicant meeting,
23 adding that this design had been revised to reflect the actual planter strip and
24 sidewalk, which meets current City standards.
25

26 Commissioner Barnard observed that the NAC Minutes are not very detailed and
27 that there is no clue indicating what they even thought.
28

29 Mr. Ryerson stated that Commissioner Barnard had brought up a good point,
30 noting that while the City typically requires neighborhood review meetings, to
31 provide an overview, it is amazing what is sometimes submitted. He commented
32 that it is extremely difficult to make certain that everyone has presented exactly
33 how a neighborhood meeting has gone and whether this requirement has been
34 fulfilled.
35

36 Chairman Voytilla expressed concern with a comment on page 11 of the Staff
37 Report, specifically that the design of the building will provide an attractive
38 development along Regatta and would be highly visible from Walker Road and
39 the intersection of Walker Road and 158th Avenue, encouraging pedestrian traffic
40 to the site. He questioned how relevant this would be to vehicular traffic.
41

42 Mr. Ryerson pointed out that the outside parcels -- *Jack in the Box Restaurant* and
43 *McDonald's Restaurant*, are all very visible along Walker Road and 158th
44 Avenue, encouraging pedestrian activity from nearby offices and Tualatin Hills
45 Parks & Recreation District (THPRD).
46

1 Chairman Voytilla emphasized that his point concerns why would there be a
2 pedestrian advantage versus vehicles.

3
4 Commissioner Maks pointed out that pedestrians know where it is if they are
5 going to walk to it.

6
7 Referring to page 13 of the Staff Report, Chairman Voytilla expressed concern
8 with the need to specifically address what constitutes strip development.

9
10 Mr. Ryerson described strip commercial development as an area with a large,
11 continuous type of buildings together with separate parcels and separate entities
12 on each of them.

13
14 Chairman Voytilla requested clarification of whether Cornell Road from 170th
15 Avenue traveling west is a situation involving a strip mall.

16
17 Mr. Ryerson commented that in his opinion, this property is a separate unique
18 parcel and does not meet the typical strip development scenario. On question, he
19 informed Chairman Voytilla that strip development is not defined in the Code.

20
21 Chairman Voytilla referred to page 14 of the Staff Report, specifically reference
22 to the pedestrian connection and a gathering place, questioning how large this
23 particular area is.

24
25 Mr. Ryerson advised Chairman Voytilla that this gathering place is approximately
26 12 feet by 12 feet, slightly elevated above the ground, adding that this location
27 provides a place for customers waiting to be seated or meeting other parties.

28
29 Chairman Voytilla referred to Exhibit 2 of the Facilities Review Conditions of
30 Approval, page 6 of 14, Development Services, questioning whether it has been
31 demonstrated that this particular waiting area meets Development Code standards

32
33 Mr. Ryerson advised Chairman Voytilla that the waiting area is in compliance
34 with Development Code Standards, adding that the original application, which
35 had expanded this area out over the utility easement, has been revised.

36
37 Chairman Voytilla mentioned the Technical Advisory Notes, dated November 15,
38 2000, Exhibit 3 on page 3 of 4, Items 8 and 9, specifically items that staff had
39 requested the applicant to adjust, questioning whether these revisions have been
40 made and are included in the Commissioners' packets.

41
42 Mr. Ryerson informed Chairman Voytilla that the landscaping issues have been
43 addressed.

44
45 Chairman Voytilla referred to the letter from Washington County dated October
46 21, 2000, specifically their comments on the last page, Item No. 3, which states

1 that Washington County reserves the right to restrict the Walker Road access in
2 the future if traffic safety problems are identified.

3
4 Mr. Ryerson informed Chairman Voytilla that he is not certain what would
5 happen if this access is restricted, adding that the Transportation Division may
6 have consulted with Washington County regarding this possibility. He pointed
7 out that another access is available off of Schendell Avenue with a traffic light.

8
9 Chairman Voytilla emphasized that he shares Commissioner Barnard's concern
10 with the deficiency in comments received from the NAC.

11
12 Observing that these notes are the responsibility of each individual NAC,
13 Commissioner Maks commented that historically, some NACs do great job, while
14 others do a minimal job. He suggested that the NACs be made aware of how
15 much the Commissioners value good record keeping of what happens at their
16 meetings. Noting that he would like to talk and plan globally, he mentioned the
17 difficulty in approving *International House of Pancakes* and *Jack in the Box*
18 *Restaurant* in spite of the fact that the land use designation of this property had
19 been changed to OC. He observed that this OC designation is not occurring,
20 noting that one of the more challenging issues in the planning process is the
21 allocation and regulation of commercial land uses. He mentioned that it is not the
22 intent of this plan to limit commercial activity, but rather to direct it into areas
23 where it can develop harmoniously with the rest of the community. He
24 questioned whether Mr. Ryerson considers Regatta Lane, which he referred to as
25 "Fast Food/Restaurant Mecca", to be developing harmoniously with the
26 surrounding community.

27
28 Mr. Ryerson referred to the large residential population located in the Waterhouse
29 area, with high density to the south, to the west and to the northwest, and a large
30 recreational facility and huge employment center nearby. He pointed out that
31 there are not many options located nearby for people who live in or are employed
32 in the area to go to lunch or dinner.

33
34 Commissioner Maks observed that Mr. Ryerson is addressing the issue of need,
35 which is not his specific question. He clarified that he would like to address what
36 that land use designation had been initially changed to be. He questioned
37 specifically whether this area is developing harmoniously with the surrounding
38 area, adding that a restaurant is a conditional use within an OC zone in order to
39 supplement the OC zone, not the residential zone.

40
41 Mr. Ryerson advised Commissioner Maks that he would have to respond both yes
42 and no to his question of whether the area is developing harmoniously with the
43 surrounding area.

44
45 Commissioner Maks commended Mr. Ryerson for an honest answer to a difficult
46 question, commenting that he has difficulty with the concept of a CUP or a

1 restaurant within an OC area that has basically no OC use. He observed that he is
2 confused regarding what the traffic staff does with these traffic studies, referring
3 to page 2 of 8 of the Traffic Study that has been submitted. He pointed out that
4 the size of *McDonald's Restaurant* had been incorrectly stated. He mentioned
5 that both ITE's are utilized, as well as previous traffic reports, emphasizing that it
6 is necessary to compare apples to apples and oranges to oranges. He referred to
7 page 4 of 8, specifically the a.m. and p.m. peak hours, observing that
8 *International House of Pancakes* and *Treasure Island Chinese Restaurant* had
9 been classified the same. He emphasized that this action is zoning the land, and
10 although the proposed Chinese restaurant does not serve breakfast, this CUP
11 would not be limited to a Chinese restaurant. Pointing out that even the Chinese
12 restaurant could open up a breakfast operation, he emphasized that it is necessary
13 to provide the vehicular numbers for the conditional use and questioned why the
14 traffic staff is not raising these obvious questions.

15
16 Mr. Ryerson expressed his agreement with Commissioner Maks.

17
18 Commissioner Heckman referred to page 4 of 8, specifically mention of a 15%
19 reduction for internal trips. He mentioned that he had spent 1-1/2 hours observing
20 traffic patterns in that area, adding that he had observed two walk-ins, which does
21 not account for the 15% that was quoted, emphasizing that he seriously questions
22 this figure. He questioned how many people rode public transit there for lunch.
23 He expressed his concern with potential strip development in this area,
24 specifically whether this could describe the area at the west end of Regatta Lane.

25
26 Mr. Ryerson advised Commissioner Heckman that the west end of Regatta Lane
27 could be considered strip development, adding that this involves the Community
28 Service (CS) zone, in which retail use was permitted outright.

29
30 Observing that the term strip development had been introduced in 1974,
31 Commissioner Heckman noted that he had never been certain what this means.
32 He referred to page 9 of the Staff Report, specifically reference to three existing
33 and one approved restaurants, commenting that the area includes four existing
34 restaurants.

35
36 Mr. Ryerson advised Commissioner Heckman that he is not certain when the
37 fourth restaurant, *International House of Pancakes*, actually received their
38 Certificate of Occupancy, pointing out that he had been involved in an inspection
39 late in December, at which time they had not yet opened for business.

40
41 Commissioner Heckman referred to page 12 of the Staff Report, requesting
42 clarification of whether a retail store or office would develop would develop
43 traffic more evenly throughout the business day.
44

1 Mr. Ryerson noted that there is opportunity to draw patronage to this proposed
2 restaurant from outside the area, pointing out that this area would already be
3 highly patronized.

4

5 Commissioner Heckman emphasized that the intent of this OC parcel was
6 originally to provide the opportunity to allow food services to service the OC
7 tenant/resident, expressing his opinion that this restaurant strip is not serving
8 those it was intended to serve within the OC zone.

9

10 Mr. Ryerson discussed this piece of property, which was subdivided in 1994 and
11 zoned OC, with the intention that these approximately one-acre parcels would
12 serve as medical and legal offices. The parcel sat for seven years with only one
13 office, one day care and one educational facility, in that subdivision. Noting that
14 he is not an economist, he commented that he is not certain why this pattern has
15 transpired.

16

17 Commissioner Heckman referred to page 10 of the Staff Report, specifically
18 examples of commercial office uses, including medical, dental, finance,
19 insurance, real estate, and governmental offices and services. He expressed his
20 opinion that the Comprehensive Plan is not being carried out in the development
21 that is occurring in the area.

22

23 Mr. Ryerson expressed his agreement with Commissioner Heckman, pointing out
24 that he has no real answer as to why the planned uses have not been attracted to
25 this area. He questioned whether the phrase "and services" justifies not having
26 office uses, noting that the plan is general, rather than site specific.

27

28 Readily admitting that this area has not developed as envisioned in 1994,
29 Commissioner Maks emphasized that need does not fall within the applicable
30 criteria. He pointed out that restaurants alone could not result in a 15% reduction
31 in traffic for internal trips.

32

33 Referring to what has already occurred in this general area, Commissioner
34 Johansen questioned whether office development on this site is even feasible.

35

36 Mr. Ryerson advised Commissioner Johansen of his intent to discuss the
37 feasibility of office development in this area.

38

39 **APPLICANT:**

40

41 **DENNIS BOLSINGER**, representing Mr. and Mrs. Wang, who also own
42 another local restaurant, *Canyon Pearl*, spoke on behalf of the Wangs' application
43 for *Treasure Island Chinese Restaurant*, which he described as basically a high-
44 turnover buffet style restaurant. He described the proposed development and
45 related parking, observing that *Lancaster Engineering* had been retained to
46 prepare the traffic report for the facility. He discussed concern with the traffic

1 situation involving the proposed development location near *Jack in the Box* and
2 *International House of Pancakes*, pointing out that these restaurants would not be
3 servicing only the Waterhouse Commons area, but other individuals as well.
4 Concluding, he observed that unlike the other area chain restaurants, the proposed
5 restaurant is a mom and pop operation, and offered to respond to any comments
6 or questions.
7

8 Chairman Voytilla questioned whether the traffic engineer was available to
9 respond to questions.
10

11 Mr. Bolsinger advised Chairman Voytilla that he had not been aware that the
12 Planning Commission would require the presence of the traffic engineer and
13 informed Commissioner Maks that he is not a land use consultant.
14

15 Commissioner Maks observed that the traffic report does not indicate the actual
16 total vehicular trips from this site with the addition of this use and how this relates
17 to the traffic report prepared in 1994, and Mr. Bolsinger informed Commissioner
18 Maks that he does not have adequate information to respond.
19

20 Commissioner Maks referred to page 4 of 8 of the traffic report, specifically an
21 a.m. peak hour of 0, observing that this action involves approval of a use, rather
22 than a specific restaurant.
23

24 Mr. Bolsinger observed that it is necessary to base figures on specific types of
25 uses, adding that this can not involve a generic use.
26

27 Commissioner Maks emphasized that these figures should be based upon the
28 maximum use that could be allowed within that conditional use.
29

30 Mr. Bolsinger pointed out that this restaurant would not involve breakfast or
31 lunch.
32

33 Commissioner Maks advised Mr. Bolsinger that lunch and breakfast could be
34 added to this high turnover restaurant.
35

36 Mr. Bolsinger expressed his opinion that the peak period during the a.m. would
37 probably be equal to the p.m. peak period.
38

39 Commissioner Maks referred to page 4 of 8 of the traffic report, emphasizing that
40 it is amazing and not economically feasible to have only 10 kids at a day care
41 center during the a.m. peak. He referred to the second paragraph of page 7 of 8,
42 specifically the Kittelson study and whether the accidents in the area were
43 actually in the *Fred Meyer* area. He questioned the statement that the proposed
44 restaurant would not be drawing from outside the immediate area and another
45 statement referring to the restaurant as a specific destination.
46

1 Mr. Bolsinger advised Commissioner Maks that he is a resident of St Paul, adding
2 that the hello and goodbye signs are both located on the same post. He mentioned
3 that he travels to Newberg, which supports nine Chinese restaurants, adding that
4 he considers a destination to be for the immediate area. He expressed his opinion
5 that one would have a fairly narrow scope to feel that this size of a parcel would
6 support only that particular area, pointing out that growth in the City of Beaverton
7 has totally negated the possibility of the OC rating on this property.

8
9 Commissioner Maks reminded Mr. Bolsinger that the issue is immediate need.

10
11 Mr. Bolsinger advised Commissioner Maks that most people would not drive
12 further than fifteen minutes for lunch, adding that dinner involves a different
13 situation and expressed his opinion that the criterion meets the needs of that
14 particular community.

15
16 Referring to the internal trip reduction for public transit, Commissioner Maks
17 questioned whether it is likely that an individual would take a bus to get a Big
18 Mac.

19
20 Mr. Bolsinger compared this trip reduction to filing income tax, observing that
21 certain deductions are allowed.

22
23 Expressing his concern with the parking situation, Commissioner Barnard
24 questioned the average number of customers in one group, specifically how many
25 customers would arrive in one car.

26
27 Mr. Bolsinger advised Commissioner Barnard that an average number of three
28 customers would arrive in each car.

29
30 Commissioner Barnard pointed out that three people per car would require 74
31 parking spaces.

32
33 Mr. Bolsinger mentioned that a lot of deuces have been tentatively set up,
34 although he is not certain at this time how many would be necessary. He pointed
35 out that the proposal meets parking requirements for City Code, adding that if
36 parking is not available, potential customers would most likely move on to
37 another restaurant.

38
39 Commissioner Barnard commented that customers could potentially spill over
40 into the neighborhoods.

41
42 Mr. Bolsinger explained why this is the best location for the restaurant, rather
43 than right up against the neighborhood, and described difficulties with this
44 irregular wedge-shaped parcel.

45

1 Commissioner Bliss referred to Mr. Bolsinger's comment that the adjoining parcel
2 would not allow access, observing that there is a 34-1/2 foot easement.

3
4 Mr. Bolsinger advised Commissioner Bliss that this easement is specifically
5 designated for access to the property directly to the south.

6
7 Commissioner Bliss expressed concern with parking and circulation throughout
8 the site.

9
10 Observing that the applicant's traffic engineer should be present, Commissioner
11 Heckman questioned the feasibility of people choosing to walk fifteen minutes to
12 and fifteen minutes from the restaurant, particularly during the winter.

13
14 Chairman Voytilla questioned the location of the restaurant's mechanical
15 equipment.

16
17 Mr. Bolsinger advised Chairman Voytilla that the mechanical equipment would
18 be located on the roof of the restaurant.

19
20 Chairman Voytilla questioned whether the applicant proposes a parapet to address
21 noise abatement.

22
23 Mr. Bolsinger informed Chairman Voytilla that the applicant has proposed a four-
24 foot parapet to address noise abatement.

25
26 Chairman Voytilla questioned whether the back portion of the parking lot would
27 be visible from the street.

28
29 Mr. Bolsinger advised Chairman Voytilla that the back portion of the parking lot
30 is not visible from the street, adding that if parking is not available, a vehicle
31 would have to turn around in an area that he referred to as a hammer head. He
32 further explained that the back apex is large enough for someone to back out,
33 adding that he is aware that the circulation is not the best.

34
35 Chairman Voytilla expressed concern with the potential for a mini traffic jam.

36
37 Commissioner Heckman questioned the feasibility of combining this particular lot
38 with the lot to the east to be utilized as an extension or enlargement of the
39 commercial site to the east.

40
41 Mr. Bolsinger expressed his opinion that this proposal is practical, adding that if
42 both lots were available, it would be possible to combine the family zone lot and
43 this particular lot into one lot.

44
45 Commissioner Maks referred to the daycare center, specifically the fact that there
46 are only ten kids during the morning.

1
2 Commissioner Heckman responded that he had visited the site from 11:30 a.m. to
3 1:00 p.m., adding that over 100 children utilize that facility during the day and
4 that the majority of these children arrive between 6:30 a.m. and 8:30 a.m.

5
6 8:45 p.m. to 8:55 p.m. -- recess.
7

8 **PUBLIC TESTIMONY:**
9

10 On question, no member of the public appeared to testify at this time.
11

12 Observing that many of the traffic issues remain unresolved, Mr. Ryerson noted
13 that the applicant might request a continuance, although they would like to hear
14 any discussion, if possible.
15

16 Chairman Voytilla noted that the applicant has given their presentation, observing
17 that they now have the opportunity for rebuttal and that any desire for a
18 continuance should be submitted at this time.
19

20 Pointing out that he understands concerns with traffic issues, Mr. Bolsinger
21 commented that the applicant can provide the traffic engineer and that it would
22 probably be necessary to request a continuance.
23

24 Chairman Voytilla mentioned that certain paperwork is necessary in order to grant
25 the request for a continuance.
26

27 Observing that the applicant has the right to request a continuance, Commissioner
28 Maks urged the applicant to keep in mind questions regarding traffic and other
29 issues that have been brought up.
30

31 Commissioner Heckman questioned whether the Planning Commissioners are
32 amenable to the proposed continuance.
33

34 Commissioner Maks pointed out that although the applicant has the right to make
35 the request, the Planning Commission is under no obligation to grant a
36 continuance.
37

38 On question, Mr. Ryerson advised Chairman Voytilla and Commissioner Maks
39 that the applicant has actually submitted a request for a continuance for an
40 indefinite period of time.
41

42 Commissioner Maks pointed out that the Planning Commission could discuss the
43 application first, adding that there is no reason to grant an extension based on
44 traffic issues if the application would fail due to drawing from outside of
45 immediate area or lack of parking issues.
46

1 Assistant City Attorney Ted Naemura commented that any time a continuance is
2 requested, at some point the Planning Commission is obliged to respond and
3 continue to a date certain or leave the Public Hearing open.
4

5 Chairman Voytilla requested consensus to discuss the application at this time.
6

7 Commissioner Johansen expressed concern with allowing the applicant to hear all
8 of the discussion prior to returning and addressing the issues. Noting that he is
9 opposed to establishing such a precedent, he stated that he is willing to discuss the
10 application but not comfortable with the situation.
11

12 Commissioner Barnard questioned the legality of this process, observing that this
13 concerns one of the rights of the applicant.
14

15 Mr. Naemura advised Commissioner Barnard that State law allows the applicant
16 to request a continuance at any time during a quasi-judicial procedure under the
17 ORS.
18

19 Referring to the applicant's right to request a continuance, Commissioner
20 Heckman questioned whether this request requires the applicant to include the
21 substance of reason for the request.
22

23 Mr. Naemura advised Commissioner Heckman that the applicant is not required
24 to include a reason for a request for a continuance.
25

26 Commissioner Heckman discussed the possibility of the applicant continuing to
27 request further continuances.
28

29 Noting that he is not certain, Mr. Naemura informed Commissioner Heckman that
30 he does not believe that the statute actually addresses this possibility.
31

32 Commissioner Heckman questioned at what point further information could no
33 longer be submitted.
34

35 Mr. Naemura assured Commissioner Heckman that the statute includes safeguards
36 to address this issue.
37

38 Commissioner Maks pointed out that the applicant's request for a continuance
39 could be denied, adding that it is necessary to leave the record open.
40

41 Commissioner Heckman requested clarification that the record would be left open
42 for an appeal.
43

44 Mr. Naemura advised Commissioner Heckman that this would address the
45 request, adding that following the closure of the first Public Hearing, the record
46 would be left open for the introduction of additional evidence or argument.

1
2 Commissioner Heckman discussed a hypothetical situation in which the Public
3 Hearing is continued, and during the deliberations, another request for a
4 continuation is submitted and denied. Observing that the record must be left open
5 for seven days, he questioned whether this would halt any deliberations toward a
6 decision.

7
8 Mr. Naemura advised Commissioner Heckman that once the applicant takes
9 advantage of this right, any subsequent materials need to be challenged in some
10 way before the parties have the option to request more privileges to respond,
11 emphasizing that the proceedings do terminate at some point.

12
13 Commissioner Heckman questioned at what time the record is declared open for
14 seven or ten days and whether this temporarily stops any current deliberations.

15
16 Mr. Naemura informed Commissioner Heckman that generally the body is
17 advised to keep any materials that have been submitted under advisement.

18
19 Observing that this is a complicated issue, Chairman Voytilla suggested that the
20 Mr. Naemura could possibly draft a Memorandum explaining the applicable
21 statutes for review by the Planning Commission.

22
23 Mr. Naemura agreed with Chairman Voytilla, emphasizing that action must be
24 taken tonight either to continue or not to continue the Public Hearing.

25
26 Commissioner Barnard expressed his opinion that a typical applicant would be
27 attempting to resolve the issues and reach a conclusion to the proceedings, rather
28 than requesting a continuance for the purpose of wasting time.

29
30 Commissioner Maks commented that he is not able to approve this application
31 based upon a Traffic Study with this many obvious discrepancies, emphasizing
32 that the study addresses a Chinese restaurant, rather than the specific use. He
33 listed other issues that concerned him, including the potential to draw traffic from
34 outside of the intended service area, parking and total traffic generation.

35
36 Commissioner Johansen agreed with Commissioner Maks regarding traffic issues,
37 emphasizing that previous actions are not intended to establish precedence. He
38 pointed out that he feels more inclined to approve this application, despite his
39 reservations, just because of the current situation. He expressed concern that
40 significant issues have not been satisfactorily addressed, adding that he is unable
41 to support approval of this application at this time.

42
43 Commissioner Barnard expressed his agreement with Commissioners Maks and
44 Johansen, observing that data is not available regarding traffic during the lunch
45 hour and that he can not support approval of this application at this time.

46

1 Chairman Voytilla expressed concern with traffic and internal circulation, noting
2 that he would not approve this application at this time.

3
4 Commissioner Heckman expressed his opposition to approving this application at
5 this time, adding that the intention of the mandated Comprehensive Plan is not
6 being met.

7
8 Commissioner Bliss observed that a restaurant would probably occur at this site
9 eventually, noting that his confusion with the small print when he visited the site
10 had led him to believe that what he thought was a driveway was actually
11 dimension lines, rather than an access. Pointing out that any vehicles attempting
12 to turn around and exit from the site would create chaos, he emphasized the
13 necessity of creating an alternative access point to exit the site.

14
15 On question, Commissioners Johansen, Heckman, Barnard, Bliss and Maks and
16 Chairman Voytilla expressed support of granting a continuance.

17
18 On question, Mr. Ryerson advised Commissioner Maks that the applicant would
19 require at least three weeks to address the issues and that staff would need two
20 weeks for review, adding that the Public Hearing should be continued for five
21 weeks, until February 14, 2000.

22
23 Commissioner Johansen **MOVED** that CUP 2000-0025 – Treasure Island
24 Chinese Restaurant Conditional Use Permit be continued to a date certain of
25 February 14, 2001 for the purpose of accepting additional information relating to
26 traffic at the site.

27
28 Mr. Ryerson questioned whether the applicant would be allowed to address the
29 two criterion mentioned by Commissioner Heckman.

30
31 Commissioner Johansen commented that he is not certain of the intention of the
32 Planning Commission at this time, specifically how broadly the scope of
33 additional information would be considered.

34
35 Commissioner Heckman questioned whether the continuance would be specific or
36 open-ended.

37
38 Commissioner Maks suggested that the continuance should be open-ended,
39 requesting that staff be certain that the applicant would have sufficient time to
40 submit additional information in a timely manner by February 14, 2001.

41
42 Chairman Voytilla expressed his appreciation of Commissioner Maks' concern,
43 noting that the applicant appears to feel comfortable with the deadline of February
44 14, 2001.

45

Commissioner Johansen restated and Commissioner Maks **SECONDED** a motion that CUP 2000-0025 – Treasure Island Chinese Restaurant Conditional Use Permit be continued to a date certain of February 14, 2001 for the purpose of accepting additional information relating to traffic at the site.

Motion **CARRIED**, unanimously.

B. CPA2000-0009 -- HOUSING ELEMENT OF THE COMPREHENSIVE PLAN

(Continued from December 20, 2000)

The proposed amendment responds to State Periodic Review Requirements, addresses Statewide Planning Goal 10 (Housing Needs) and proposes a new Housing Element for the Comprehensive Plan. Adoption of this element will establish a base of goals, policies, and actions necessary to address Beaverton's housing needs.

Mr. Salvon discussed three continuances of this application and referred to the Memorandum that had been distributed today in response to two questions submitted by Commissioner Heckman. He described Metro's role in establishing policies that local jurisdictions would have to meet, including the consideration of certain tools and strategies in order to meet that criterion. He mentioned that it would be necessary to submit three reports over a three year period to describe how these goals and policies have been addressed and described how a regional real estate tax would affect the City. Observing that adoption of the housing element would suffice in meeting Metro's requirement that the City adopt its affordable housing target, he noted that the final policy should be adopted on Thursday, January 18, 2001. Referring to Commissioner Heckman's second question, which pertains to *The Round*, he noted that the project currently includes 190 units and that an alternative proposal proposes a total of 250 units. He pointed out that neither proposal sets aside units to meet the needs of the targeted at-risk population, specifically individuals in need of affordable housing. Concluding, he recommended approval and offered to respond to any comments or questions.

Commissioner Barnard referred to the proposed adoption of an R-4 zone, and was informed by Commissioner Maks that this has already been addressed.

Mr. Salvon advised Commissioner Barnard that this R-4 zone had been adopted recently in order to meet Metro's 80% density requirements.

Commissioner Maks expressed appreciation to Mr. Salvon for addressing his concerns, emphasizing the importance of educating citizens of the need and implementing the appropriate policy.

1 Commissioner Heckman requested that reference to Beaverton citizenry be
2 modified to Beaverton residents, expressing his opinion that this sounds simpler.
3 He questioned the procedure and timing for annually monitoring the situation.
4

5 Mr. Salvon advised Commissioner Heckman that Metro's requirement provides
6 for three years of monitoring progress.
7

8 Commissioner Heckman commented that this apparently involves one of the tools
9 that is yet to be developed.
10

11 Commissioner Maks commented that he would agree with the change suggested
12 by Commissioner Heckman except for the fact that educating the City's citizens
13 also means business and property owners who do not live within the city, adding
14 that the scope of this education should be broader than residents.
15

16 Commissioner Heckman expressed his opinion that the language -- specifically
17 citizenry -- is archaic.
18

19 Principal Planner Hal Bergsma suggested that the language should provide for
20 notification to residents, property owners and business owners, and
21 Commissioners Maks and Heckman both expressed approval of his suggestion.
22

23 On question, Mr. Salvon clarified for Commissioner Johansen the differences
24 found in Policy "A" in documents dated December 6, 2000, and December 20,
25 2000, observing that this had been added at the request of Commissioner Maks, in
26 order to address educating the public on this issue.
27

28 Commissioner Heckman expressed his appreciation of the excellent information
29 provided by Mr. Salvon, adding that this information had clarified the issue for
30 him.
31

32 **PUBLIC TESTIMONY:**
33

34 On question, no member of the public appeared to testify at this time.
35

36 The public portion of the Public Hearing was closed.
37

38 On question, Commissioners Heckman, Johansen, Barnard and Maks and
39 Chairman Voytilla expressed their support of the application.
40

41 Observing that he had not been in attendance during the earlier Public Hearings
42 regarding this issue, Commissioner Bliss commented that he does not feel that he
43 has had the benefit of all necessary information and intends to abstain from voting
44 on this issue.
45

1 Commissioner Johansen **MOVED** and Commissioner Heckman **SECONDED** a
2 motion that CPA 2000-00009 – Housing Element of the Comprehensive Plan, be
3 approved, based upon the testimony, reports and exhibits presented during the
4 Public Hearings on the matter and upon the background facts, findings and
5 conclusions found in the Staff Report dated November 13, 2000, and
6 supplemental information dated November 8, 2000, December 6, 2000, December
7 13, 2000, December 20, 2000, and January 10, 2001, and based upon this Public
8 Hearing.

9
10 Motion **CARRIED**, unanimously, with the exception of Commissioner Bliss, who
11 abstained from voting on this issue.

12
13 **APPROVAL OF MINUTES:**

14
15 Minutes of the meeting of November 29, 2000, submitted. Commissioner Maks
16 **MOVED** and Commissioner Heckman **SECONDED** a motion that the minutes
17 be approved as written and modified.

18
19 Motion **CARRIED**, unanimously, with the exception of Commissioner Bliss,
20 who abstained from voting on this issue.

21
22 Minutes of the meeting of December 6, 2000, submitted. Commissioner Maks
23 **MOVED** and Commissioner Heckman **SECONDED** a motion that the minutes
24 be approved as written and modified.

25
26 Motion **CARRIED**, unanimously, with the exception of Commissioner Bliss,
27 who abstained from voting on this issue.

28
29 **MISCELLANEOUS BUSINESS:**

30
31 The meeting adjourned at 9:50 p.m.